

ASSEMBLY BILL

No. 762

Introduced by Assembly Member Nunez

February 19, 2003

An act to amend Section 5440 of, and to add Section 5442.13 to, the Business and Professions Code, relating to transportation.

LEGISLATIVE COUNSEL'S DIGEST

AB 762, as introduced, Nunez. Transportation.

The Outdoor Advertising Act regulates placement of advertising signs adjacent to and within specified distances of highways that are part of the national system of interstate and defense highways and federal-aid highways. The act prohibits advertising displays from being placed or maintained on property adjacent to a section of a freeway that has been landscaped, with certain exceptions. A violation of the act is a misdemeanor.

This bill would authorize an advertising display in the City of Los Angeles by a not-for-profit educational academy subject to specified conditions.

Because a violation of the bill's provisions would be a crime, the bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

SECTION 1. Section 5440 of the Business and Professions Code is amended to read:

5440. Except as ~~provided in Sections 5441, 5442, 5442.7, 5442.8, 5442.9, 5442.10, and 5442.11~~ otherwise provided in this article, no advertising display may be placed or maintained on property adjacent to a section of a freeway that has been landscaped if the advertising display is designed to be viewed primarily by persons traveling on the main-traveled way of the landscaped freeway.

SEC. 2. Section 5442.13 is added to the Business and Professions Code, to read:

5442.13. (a) Notwithstanding any other provision of this chapter, Section 5440 shall not prohibit an advertising display in the City of Los Angeles by a not-for-profit educational academy that is exempt from taxation pursuant to Section 501(c)(3) of Title 26 of the United States Code, if all of the following conditions are met:

(1) The exception provided by this section is limited to only one advertising display.

(2) The site of the academy is located immediately adjacent to State Highway Routes 10 and 110 in the City of Los Angeles.

(3) The academy's curriculum focuses on providing arts and entertainment business education.

(4) The advertising display is constructed on the roof of the academy's facility.

(5) The advertising display meets the requirements set forth in Sections 5405 and 5408.

(6) Placement or maintenance of the advertising display does not require the immediate trimming, pruning, topping, or removal of trees located on a state highway right-of-way to provide visibility to the advertising display, unless done as part of the normal landscape maintenance activities that would have been undertaken without regard to the placement of the display.

(7) Revenues accruing to the academy from the advertising display are used exclusively for the acquisition, operation, and improvement of the academy.

(b) An advertising display erected pursuant to this section shall not advertise products or services that are directed at an adult

1 population, including, but not limited to, alcohol, tobacco,
2 gambling, or sexually explicit material.

3 (c) If an advertising display erected pursuant to this section is
4 removed for purposes of a transportation project undertaken by the
5 department, the display owner shall be entitled to relocate that
6 advertising display with no compensation for the removal or
7 relocation, and the relocation shall be limited to a site on the
8 property of the academy specified in subdivision (a).

9 (d) An advertising display erected pursuant to this section shall
10 not cause a reduction in federal aid highway funds, as provided in
11 Section 131 of Title 23 of the United States Code.

12 (e) If the academy specified in subdivision (a) closes or
13 otherwise ceases to operate, the advertising display permitted
14 under this section shall no longer be authorized and shall be
15 removed from the property of the academy.

16 (f) The academy specified in subdivision (a) shall prepare an
17 audit of the revenues generated by the advertising display
18 authorized under this section that includes, but is not limited to, the
19 total revenues generated from the display, the amount of revenues
20 received by the academy, and the expenditures and uses of the
21 revenue. The audit shall be submitted to the Controller and the
22 Legislature on or before January 1, 2007, and every four years
23 thereafter.

24 (g) The academy specified in subdivision (a) complies with the
25 provisions of the City of Los Angeles regulation designated as
26 Section 12.21A 7 (l) of the Los Angeles Municipal Code.

27 SEC. 3. No reimbursement is required by this act pursuant to
28 Section 6 of Article XIII B of the California Constitution because
29 the only costs that may be incurred by a local agency or school
30 district will be incurred because this act creates a new crime or
31 infraction, eliminates a crime or infraction, or changes the penalty
32 for a crime or infraction, within the meaning of Section 17556 of
33 the Government Code, or changes the definition of a crime within
34 the meaning of Section 6 of Article XIII B of the California
35 Constitution.

